To the C.C.R.C. Committee

An analysis of Michael Luvaglio's booklet 'Not Without Prejudice' (which he sent to every M.P.)

By James A. SIBBET (Elder brother of Angus Sibbet)

Apart from the front cover the inside front page and the inside facing page, the booklet is a straightforward word for word copy of a chapter of Sir David Napley's 1982 book also entitled 'Not Without Prejudice' which selected various cases of alleged wrongful convictions.

This chapter 'The Case of Michael Luvaglio' contains errors of fact, acceptance of described situations which are either untrue or not the complete picture. It also shows a surprising gullibility in Sir David Napley's acceptance of a story as painted by Michael Luvaglio and others sympathetic to him. This has led in turn, to a complete lack of rigour by Sir David Napley which runs throughout!

I shall go through the booklet page by page so my observations are therefore not ranked in any order of importance and I intend to leave most of Sir David Napley's treatment of actual trial evidence to your own judgement.

In writing this critique, my aim is to clearly expose the grotesquely unfair position taken by Sir David Napley and to prove that he is wrong. I say grotesque, because it is so one-sided and unbalanced that his work clearly puts it in that area. It is not lawyerly, it is not scholarly and it fails to make his case.

My explaining, informing and rebutting should be read together with Michael Luvaglio's booklet and the attached information, already sent to the C.C.R.C. including a very good letter from my sister Sheila Sibbet which fills in a great deal of the background to events leading up to our brother's murder, plus showing the motive and also my own statement, sworn on oath.

1. Dealing with the book's preface

Before I reach Sir David Napley's chapter, note that the booklet's page 2 preface has a chronological list of events starting with the March 1967 conviction of Michael Luvaglio and Dennis Stafford and which deliberately sets out to distort the reader's perception in their favour.

Example:
March 1971 baldly states that the book 'Most Unnatural' by David Lewis and Peter Hughman proved the two men were innocent. Of course that book did no such thing. If anything it contains more errors and omissions than Sir David Napley's. Essentially,the two tyro authors are completely taken in by

the charismatic Vince Landa.The book would benefit from its own, detailed analysis but I highlight one point - on lines 3-5 on page 48 David Lewis and Peter Hughman quote Vince Landa (Michael Luvaglio's elder brother) as saying, 'I hired a private detective -- Angus was taking £1600 per week'.

Although
1. They raise no thought that this might point to a motive by Landa. In fact, they press the, 'no motive' argument.
2. They make the ludicrous mention that Landa could have dismissed Angus by using the due process of the law but fail to question why he did not do that (see line 32-35 page 208). The law, of course, was one avenue not open to Landa for tax reasons if nothing else. In any event, Landa did not do it. Why?

Other examples of distortion in the preface:

July 1971	BBC T.V. shows 'Evidence to establish their innocence'.
January 1973	BBC T.V. (interviews a Scottish petty thief) "John Tumblety admits picking up the killer of Angus Sibbet and states that Stafford and Luvaglio are innocent, but refuses to name the real killer as he is terrified".
August 1977	CP Taylors play 'Bandits' based on the case and how the police get their man but not guilty of the crime
Mar 1979	Complains -- They can be recalled to prison at any time without having committed an offence to serve the rest of their life sentence. Fact: Since they were released Dennis Stafford has served further lengthy prison sentences for further crimes.
Aug 1979	Radio Metro (Newcastle) 'Shows evidence to establish their innocence.'
Nov 1979	BBC Television 'Shows evidence to establish their innocence'.
March 1980	BBC 2 television shows 'Evidence to establish their innocence'.
Oct 1982	Sir David Napley's book published 'Declares Luvaglio to be innocent'.
March 1987	Kevin Rowntree (Tyne Tees TV) 'Unearths new evidence 20 years on'.
January 2002	Close-up North BBC 2 'Program shows evidence to establish their innocence'.
In preface	Bertrand Russell is alleged to have said "Two men were imprisoned on nothing more than police conjecture" which only shows that a very clever man can also be very silly.

They all wrongly claim, "*establish their innocence*". Analysis of the list will show that no new material evidence is provided. Every item is a recycling of the same old stuff from Stafford and Luvaglio, repackaged, or, just 'more of the same.'

As I have said elsewhere, the disadvantage to the truth and also to the Sibbet family of our not ever speaking out for 39 years has been to allow Stafford and Luvaglio to lie for 39 years without challenge or correction.

Apart from the two truly guilty men, there are many other people guilty if only of simply accepting a story without the integrity of challenging questions. Only one lady journalist to my knowledge, raised the pertinent question in a

very short piece of "*If it wasn't Stafford and Luvaglio then who was it?*" The record of most journalists, and the media in general, has been disgraceful.

The great passage of time since 1967 has in a backhanded way, allowed one to see that no actual evidence implicating anyone else has ever come to light and given that over time everything does eventually float to the surface- the fact that nothing, absolutely nothing, has come to light - also tells the story! i.e. that there is no one else to find!

Page 3 (the page facing the list) starts off with the lie that the police suppressed 164 statements etc from the jury and the trial. The truth is that all statements taken by the police were made available to the Defence Team, who were able to select all items they wished to use as part of their own chosen strategy. Stafford and Luvaglio have blatantly turned the non-use of statements by the original trial Defence team into this false allegation that the police suppressed them. Their non use by the trial Defence team plus (in Sir Napley's view) the mistaken direction of the Defence, forms part of Sir Napley's complaint in his book 'Not without Prejudice'.

2. Luvaglio's representation of himself as a victim

Luvaglio uses his booklet to represent himself as a victim to the reader using emotive phrases such as 'having to sell his childhood violins', 'having lost his fiancée'(always formerly spoken of throughout the trial as his girlfriend), 'living on borrowed time', 'had a severe heart attack', 'does not deserve to die a legally convicted murderer' etc. All of these have been given by him to the press at various times. However, on Page 3 of his booklet, we come to a truly disgusting use of Luvaglio's special pleadings.

I am referring to Lines 21- 22 which, in pleading for a public enquiry, contains the words ***"This will alleviate the mental torture of the victims relatives".*** I almost feel physically sick. My family's mental torture has already lasted for 39 years and could only be increased if Stafford and Luvaglio contrive to have the case referred to the Appeal Court. It is two years since my family first found out that Stafford and Luvaglio were applying to the CCRC, and for us, this has meant two years of increasing mental torture.

It shows Michael Luvaglio to be callous, stupid for the remark and cynical in the extreme, for in truth, Michael Luvaglio has never spoken to, telephoned or written to any member or even friend of the Sibbet family from the time and date of my brother's murder. **Now that has to be truly remarkable!!!**

Apparently, your best friend (like a brother to me, visits his home 2 or 3 times each week) is murdered! Yet you fail to make contact with his widow, girl friend, any other friend or the Police. You do not offer sympathy or help. (I intend to return to this in more detail later.)

You are arrested and charged with his murder! You again fail to make contact to say such things as "This is crazy! You must believe that I had nothing to do with it. Please help me, please come to see me". "Please tell the police that you know I could never do such a thing. Poor Angus!"

These are all points showing the falseness of Luvaglio's behaviour right at the beginning. What is also remarkable is that Michael has never written one word of praise or support for Angus in 39 years apart from the one repeated statement "*He was my best friend, like a brother to me*". Not one word of sympathy for his wife/widow, daughter or mother and father either.

So, ignoring that remarkable, ignoble history, he is now intent on doing us a favour. Unsurprisingly the family take the view that what would have impressed us, was if he had dedicated some part of his life to establishing a credible alternative. Such as who the 'real' killers were. Yes! Yes! I know he was not obliged to! - but success would have been wonderful for the Sibbets, the Luvaglios and also Michael's new friend Dennis Stafford and his family. Not one finger was lifted in that direction in 39 years, by either of them.Why? A shrug of the shoulders when asked by reporters. Michael suggested the Krays in one interview. Well, Vince Landa his own brother is photographed with the Krays in their book 'Villains we have known'. Surely the Krays would have been worthy of an enquiry.

Page 3, is also interesting in that the booklet completely ignores Michael's long term best friend, Angus Sibbet. In fact he is not mentioned at all. It heavily stresses Michael's own search for justice, but is silent on any thought of justice for his best friend. The only outcome of the desperately sought Public Enquiry that Michael is working towards, seems to be exclusively his own relief from a guilty verdict. Granted the vital importance of that from Michael's point of view, surely a public enquiry would also contain some hope of throwing light on 'who killed my best friend'. Oddly that's not mentioned.

3. Sir Napley's Opinion of the Defence Team

Sir Napley reports that the Crown was represented by Henry Scott, QC, and that Stafford was represented by Rudolph Lyons, QC (who became Sir Rudolph Lyons and a Circuit Judge) and Luvaglio by Raymond Dean (who became a Circuit Judge), assisted by Peter Taylor as his junior, who became a Judge of the High Court. He goes on to say that:

> *"It would be very easy, with hindsight, to criticise the way in which the defence was conducted by those who appeared for the accused. It would be quite unfair. The prosecution case was regarded by them at the time as exceedingly weak, as doubtless it was.*
>
> *There was, it was considered, a fool-proof alibi for the time when it was said that 'Sibbett' was shot, and an important part of the skill in advocacy lies in concentrating on the vital issues and not bedevilling a trial with incursions into what may be only peripheral aspects. As this is what they sought to avoid, no one can say their tactics were wrong as they saw them; unhappily the strategy did not succeed, and many matters vital to the defence went insufficiently challenged or canvassed: important questions were not pursued at all. Once the trial was over it was too late to try to correct what could not reasonably been foreseen. Whether their confidence in their tactics was too great or misplaced, it is*

not for me to comment." (Lines 32-47 Page 276 and Lines 1-3 Page 277[1]).

Sir Napley ends both of the above paragraphs with suggestions that the Defence Team chose defective tactics and missed opportunities which he, Sir Napley, would have been unlikely to have supported. As to the trial tactics employed and the alleged suppressed statements highlighted in Luvaglio's booklet, I suspect the truth to be that the Defence Team, having found as much as they felt they needed, simply failed to read the totality. This was subsequently used as one of many 'red herrings' fed to (mainly) various areas of the media.

Even Sir Napley, who in his book does quote *"A considerable number of persons interviewed by the police, who produced evidence on these events, but whose availability has been hidden from the defence."* (Line 41-43 page 290), failed to support the great exaggeration of '164 suppressed statements'. Neither does he put forward the claim that any of them were other than 'more of the same'. i.e. Not new! He at no point ever claims any serious or even important evidence came to light in this area. His distress has more to do with the principle rather than having found out anything new. One certainty is that none of the items show proof of Stafford and Luvaglio's innocence. A sure clue is that they always expose the number of items but seldom expose content.

Another point of interest worth noting is that Sir Napley gives the clear impression that, 'although they could not be blamed: for various reasons', the original Defence team pretty well failed their clients. Is this why Sir Napley does not include them as named supporters of his miscarriage claim? In any event, none of them are seen taking a lead or even a supporting role in attempting to clear their former clients' names.

4. Misinformation in the context in which the murder took place

Turning to Sir Napley's 'Luvaglio' chapter itself, I start with a small but significant and illustrative error. He spells our surname incorrectly throughout. We are 'Sibbet' not 'Sibbett'.

In Line12, Page 270, he praises Luvaglio as a devout Roman Catholic. Before the murder, Michael lived with a girlfriend Patricia Burgess and took her in the company of his parents on holiday together with a notorious career criminal Dennis Stafford who was also with a girlfriend even though in his case he was already married with a child and was in fact living with yet another girlfriend, the singer Selena Jones, at the time.

During the trial Luvaglio's own Q.C. Mr Dean, referring to this holiday arrangement, said "*To most of us the whole thing is repulsive*" then warning

[1] To assist comprehension of my points with respect to Sir Napley's book, I shall refer to 'lines' and 'pages' (e.g. Lines 2-7, Page 727) the page numbers being taken from Sir Napley's own book.

the jury that the defendants were not on trial for their lifestyle. A little rigour here would have found that Michael's devoutness started after being charged for the murder of my brother.

(Note that Line 25, Page 274 has another error of fact in that the Mercedes car used by Selena Jones was not owned by her but was supplied by Landa's company, Social Club Services (evidence at trial).)

In Line 3, Page 271, he attributes 'Italian blood' as to why Vince Landa persuaded his brother and then his parents to come to the Northeast. The pressing and real reason was that in an expanding unregulated cash business, he needed more people he could trust, as collectors.

I must observe here that undoubtedly the most despicable act in the life of Vince Landa, apart from being the catalyst in the murder of my brother, was to ruin the lives of his parents and brother. I continue to feel heartbroken for his parents and for my own parents and all their ruined lives. Relatives are indeed, true victims.

Lines10-16, Page 272, written more in the style of Raymond Chandler than a serious legal contribution, also illustrate a contradiction in the importance the author places on Angus Sibbet when he refers to him, using a Press analogy of "Gaming Chief" then extending it to "Braves" in a Red Indian parody. The fact is, that Angus Sibbet was clearly not a lowly or ordinary member of the firm as is evidenced by his lavish spending and lifestyle which was well known to the management without complaint, for years.

The status of Angus is a curious concern to Sir Napley, as there is no evidence that my brother ever said such a thing as being a Director, Manager or boss. It is also odd however that Sir David professes not to understand that Angus Sibbet was not an ordinary employee at all. (See Sheila Sibbet letter)

Line 19, Page 272 states that Angus ran a Chinese restaurant. The truth is that he was a one third partner in the Peking Restaurant in Woolwich run by a Mr Goh of Singapore Chinese extraction who was a friend of mine, together with myself as a 'sleeping partner' also with one third. I was serving abroad as a C.P.O. in the Royal Navy at this period. The restaurant had no English-speaking cooks, Mr Goh was the Manager and my brother was a very obvious trainee. His only relevant experience was as a cook in the British Army during two years National Service. Mr Goh and I set up the whole idea. My aim was to provide a career for my brother. I have a history of trying to look after my younger brother. Not that he always wanted me to!

Sir David Napley then goes on to say (Line 20- 28, Page 272) that Angus received 12 months for receiving and that Angus went to the Northeast where he became an employee of Vince Landa with the task pregnant with possibilities - of collecting the money which accumulated in the gaming machines.

A reading of Sheila Sibbet's letter to the CCRC at this point will show just how

false is the impression given by Sir Napley, as the letter explains how and when my brother and Vince Landa met plus the true relationships. Here and elsewhere you must decide whether Sir Napley was foolish to believe the people who fed him his distorted version of events or whether he failed to analyse the extent of the distortion, because distortion continues throughout.

With regard to Landa's company, Social Club Services Ltd., Sir Napley clearly promotes the idea that it was engaged in a normal, legitimate operation of their affairs. Not so with regard to the gaming machines which constituted the major area of activity and generated most of the income. That area could be described by a critic as an organised conspiracy against, but mostly with, the majority of their customers. Sharing of a gaming machine contents on some percentage basis agreed between the customer and the machine owner was illegal but in a grey area of the law. In Clubs, as police had no automatic right of entry – short of organising a raid – it was difficult to check. A change in the Gaming Act in 1963 made it very clearly illegal. It only continued because it suited the supplier and many of the customers too, even though it meant paying for an expensive (and trusted) array of collectors of which my brother, Michael Luvaglio and later his father formed the most important part.

The system also involved (usually) two collections per week. One official and one unofficial. I'm sure you can see how much it easier would have been to agree a fixed rent, agree a fixed maintenance contract and give the keys to the customer. Indeed this sometimes did happen as customers became 'clued up' on how much more profit they themselves could make. But the second collection system usually carried on by one means or another. These collectors did not break into premises so there was obviously always <u>some</u> kind of 'arrangement' varying from premise to premise.

Lines 29-31, Page 272 States that the police 'received an anonymous telephone call', drawing attention to the fact that a red E type jaguar sports car was in a Sunderland garage awaiting repair. Supt R. Kell (the Police Officer in charge of the murder investigation) says "This is quite untrue". The actual course of events involved a police officer who called at Social Club Services premises on an entirely unrelated matter and who at that point had no knowledge of the murder but did hear a conversation regarding a damaged red car. Later, when he heard about the murder and a possible connection with a red car, he thought correctly that it was worth mentioning to his superiors.

Line 1-9, Page 273 finds Sir David Napley quoting Shelley when he comes to Dennis Stafford and Michael Luvaglio. Shakespeare and Vince Landa (Luvaglio) would have been a better choice. i.e. "Who will rid me of this turbulent priest?" With Vincent Landa as Henry II and Dennis Stafford and Michael Luvaglio as responding Knights. Landa had his reasons and the frustration! Denis Stafford had the ability and a lifetime's lack of morality plus 2 convictions involving possession of handguns. Michael Luvaglio as an essential lure!

Ask the question (because Sir David Napley does not). Why would Landa

and his brother with a multi-million pound company need to employ a lifelong criminal who has never held a job? How could Sir Napley's devout Roman Catholic suddenly become Stafford's bosom pal "always with each other out of office hours", according to the trial evidence and Dennis Stafford.

One thought might be that with Angus Sibbet gone and £1600 of company money suddenly available each week, Stafford, Luvaglio **and** Landa would be seriously better off. After all, Stafford's salary was allegedly £25-£50 per week at the time. So much for 'no motive'.

Why would Landa engage Stafford to manage a nightclub? Someone who had no experience of running what is a very complicated business, difficult to supervise and who had never actually held any regular job, but who did have a life history of living on his wits outside the law, essentially spent separating victims from their money. Sadly Sir Napley simply continues the pattern of bias. Although Stafford's many prison sentences included two which involved possession of a handgun: only one instance is included by Sir Napley. Why?

> *"Desperate to make money quickly, Dennis Stafford turned to house-breaking. When he was arrested a Luger pistol, which he said he had brought back from Germany as a souvenir, was found in the car he was driving. To add to his discomfiture, the car had been stolen, although he contended that he did not know this, and that it had been lent to him. He was sent to prison for 7 years." (Lines 15 - 20 page 273)*

Landa did have a history of being in the company of criminals. The Kray twins (see his photograph in 'Villains we have known' with Ronnie Kray' photo No 8 after page 86) plus being friendly with local villains -- George Shotton (Safe blower) and George Reynolds no stranger to prison and currently doing another three years, which you can contrast with Angus or indeed any member of the Sibbet family. Not one single case of any family member consorting with criminals. Quite the reverse. For example, our sister Sheila Sibbet was, for many years, Head Usher at Lambeth County Court. The only criminal conviction being of Angus Sibbet but then that was an event carried out on behalf of Landa and with Landa's participation as a 'getaway driver'. Landa of course, did get away and my brother refused to implicate him. You may think this fits in with the fact that Landa was waiting for and collected Angus when he was discharged from prison. I was also there and waiting to collect Angus...but to my surprise and dismay, he chose to go off with Landa.

In Lines 30 - 34, Page 273, Sir Napley includes a story of little relevance which does however give Stafford the credence of having made efforts to save from drowning, a fellow escaping convict, despite the fact that the only evidence for that story is Stafford own words, there being no other witnesses at the time. This puff for Stafford follows another where Sir David Napley notes, not that, " Stafford escapes from Dartmoor" but that, "*Even this high security prison proved inadequate to hold him*". Incompetent officialdom contrasted with the resourceful hero.

Lines 35 - 40, Page 273 detail Stafford's ridiculously low salary figure of £25

per week, as well as being wrong as to the facts of his recruitment and job. Stafford was engaged as the Manager of Landa's nightclub, the Piccadilly. It was not until the Piccadilly club mysteriously burnt to the ground that he was switched to book cabaret acts for Social Clubs etc. Trial evidence was given regarding salaries of £25 plus a bonus of between £5 and £25 for Stafford together with his estimate of owning 11 suits at £25 each and that he had flown to London for yet another suit at that price.

Michael Luvaglio the co-director who claimed to own 50% of a stated multi-million pound business gave his salary as being £30 per week. This at a time when Angus Sibbet, a 'lowly' collector, allegedly of no particular importance in the firm, had several cars, employed a chauffeur, had two mistresses, had a superbly appointed home which Michael visited two or three times a week, particularly Sunday afternoons, (where, after any business discussions, Brenda, Angus's wife, supplied tea & biscuits or a meal), consorted with show business personalities and lived and liked to live the 'life of Riley'. (Sir David Napley's own words- see lines 25 - 28 page 272). This also at a time when Angus was, to quote Michael, "My best friend, he was like a brother to me". Given that both Stafford and Michael Luvaglio gave evidence of laughing and joking and of being ferried around together with Angus by Angus's chauffeur Albert Ginley on January 4th 1967, one could be forgiven for thinking this was all a well known and accepted way of life by Angus, by owners Vince Landa and Michael Luvaglio, without apparent complaint, for years.

One could be forgiven for thinking that to lose such an employee would improve the firm's profit margin considerably. One could also be forgiven for wondering if there were any other employees who behaved in this way or would have been allowed to behave like this.

The truth is of course that Angus Sibbet was no ordinary employee and Vince Landa together with his brother Michael knew and accepted that – until there came a point when a decision was taken, (in Majorca??) that what had been acceptable for many years was not going to be acceptable for ever and in fact was not going to be accepted any longer. This, plus some reasons of eventual personal animosity between Angus Sibbet and Vincent Landa is why my brother died.

5. The Period leading up to the Murder

Lines 45- 48, page 274 and Lines 1-3, Page 275 start off "Luvaglio was most anxious to see Sibbet" (Sir. Napley). So anxious in fact that he rang Doreen Hall at 1.20am concerned as to his whereabouts, saying that Angus had failed to turn up for an important appointment at the Birdcage Nightclub at half-past midnight (Line 4-5, Page 275). Doreen having said that she had not seen Angus, "*There they remained until about 2 o'clock in the morning still waiting for Sibbett*". Then Line 39, Page 275 *"He [Luvaglio] waited until 2:15 am before giving up."*. However, apparently next morning his anxious enquiry was forgotten, 8 o'clock, 9 o'clock, 10 o'clock came and went, yet he made no further inquiry! Not the rest of that day! Most anxious? He had even paid Angus an advance of £200 without Vince Landa's permission in anticipation of sales arising from Angus's information! (From trial evidence by Luvaglio).

A further curiosity arising from events on that day (5th of January) was that although he knew by late afternoon -- certainly at 5pm by a telephone call from Tom Downey (Luvaglio trial evidence) that something terrible, a car accident perhaps, had happened to Angus – 'His best friend he was like a brother to me' – Michael failed to ring Angus's wife or Doreen Hall! Doreen Hall who had been telephoned at 1:20 a.m. by Michael concerned about Angus and a missed appointment.

At 6 p.m. when he had seen a TV news program and knew for certain that Angus was dead, he still failed to ring Angus's wife or Doreen Hall to express sympathy or ask if he could be of any help. He did not ring the police to advise of the failed half past midnight appointment. In fact he does not appear to have telephoned anyone to enquire further or to offer help or sympathy, or ask someone to ring on his behalf! He stated that he felt ill and went to bed with an aspirin at 7 p.m. without expressing any interest in the detail of what had happened to his 'best friend'.

In Lines 11-16, Page 275 Deans Trial evidence re "E' type damage differs greatly,"car rear battered and car pushed forward 15 ft.," from the Stafford' account, "Very little damage only plastic rear light covers broken."

6. Vital Witnesses - mysteriously not called to trial

Lines 32-41, Page 274 allege a midnight visit to Luvaglio's flat at Chelsea Grove, Newcastle. In Trial evidence, Luvaglio said that he entered by use of his own key. He also asserted that he did not see Brian Ginger, his cousin, who happened to be staying in the flat at the time. This alleged visit by Luvaglio (and Stafford) was to await a (supposed) phone call from Vince Landa. Apparently, no call came.

Lines 39-42 Page 275 and in Trial evidence.It was further alleged that they made a second visit that night to the Chelsea Grove flat at about 2.25 a.m. to 2.30.a.m. after leaving the Birdcage. But this time, Luvaglio's key failed to work and they were apparently forced to ring the bell for admittance. Which is how they both say, they then did see Brian Ginger,and spoke to him. This is a story covering a very vital time period, but neither Vince Landa nor Brian Ginger were actually called as trial witnesses, although both were in Newcastle during the period of the trial. Why? As Ginger confirmed personally to me after the trial when I shook hands with him and said something on the lines of "I'm not here to trap you into saying anything but I do want to thank you for being an obviously honest man" to which he replied only, "I would have told the truth".

Brian Ginger is particularly interesting.As he was not called as a witness, there is in fact, no real evidence that Stafford and Luvaglio called at the Chelsea Grove flat at all, that night.
Now the situation here was:-

1. The Defence did not call him because his evidence would not suit the defence case (my personal belief is that Stafford and Luvaglio never visited the Chelsea Grove flat at all and Brian Ginger would have been

able to say so).

2. If the Prosecution called him – they ran the risk that family pressure then might well have (in a sense) forced him to give a version of events in support of the Defence. As a prosecution witness there would be no opportunity to for the prosecution to recover from rigorous cross examination by the defence. As we now know, both sides decided separately that although it would be a risk, the safer way was to leave Brian Ginger out of the trial. The Defence also failed to call him at their subsequent appeals, which makes it rather obvious that what he had to say would not have been helpful to them - or worse.

> *"...some time later, when they had arrived at Social Club Services Ltd and were at work, they heard of Sibbett's murder. Reporters began ringing for information, and one of them said there would be more information on television. Knowing that the garage proprietor had a set in his flat, they went there and asked if they could watch it." (Line 48, Page 275 and Lines1- 4, Page 276).*

This confirms Stafford and Luvaglio knowing something about Angus being injured or dead during the afternoon – but fails to question why they failed to contact anyone themselves! Why they had failed to contact the police? Can one accept that Luvaglio would not see the vital importance of their alleged failed appointment? Yet Sir Napley sees nothing in this to excite his attention. Surely this is a very obvious example of, 'the dog which failed to bark'.

> *"Knowing that the garage proprietor had a set in his flat, they went there and asked if they could watch it. This again was not the subject of comment at the Trial, but had they been looking for means of drawing the garage proprietor's attention to their possible conection with the damaged car in his possession it would be difficult to conceive a better way". (Lines 3-7, Page 276).*

This point is plain silly. The garage proprietor already knew better than anyone of the Stafford/Luvaglio connection with the damaged car. They had borrowed it from that very garage proprietor's custody less than 24 hours earlier and returned it to him damaged and was now awaiting repair.

> *"The violence of Angus Sibbet's death was made evident by the Television News. It made Luvaglio ill. He was given water and asprins by the garage-owner's wife, then he and Stafford went to the latter's home, where Luvaglio was so upset by Sibbett's death that he was given a tranquillizer and went to bed. At twenty past ten Detective Superintendent Collinson of the Regional Crime Squad arrived and took them both to Peterlee Police Station." (Line 8-13, Pages 276).*

Lines 5-47, Page 277, Lines 1-48, Page 278 and Lines 1-27, Page 279 are essentially accounts of medical evidence and the various ways the Defence team were again inadequate.

In Lines 41-46, Page 279, Sir David Napley accuses Lord Dilhorne of 'a surprising degree of naiveté'.

Lines 40-46, Page 281 are misleading as they stand. Angus Sibbet's body was as much in the footwell to the rear of the front seats as on the actual back seat. This forward position meant that (a) the body was essentially lying close to the back of the front seat well clear of the back seat upright and (b) could not be seen or could not be seen readily to a person looking into the car from the front seat window area which is where a person would normally have stopped in order to look into a car. i.e. The backs of the seats of driver and passenger obscured their views.

A further serious point in this connection concerns the apparent clarity with which the body shows up in the flash photograph in Sir David Napley's book:

1. The photograph was taken deliberately for detail by a powerful professional camera.
2. Angus Sibbet was dressed in a black suit, wore a midnight blue long overcoat, black socks, black shoes had a full face blackbeard and a full head of black hair.
3. The area at the car site was poorly lit, being in between the lamp posts.

7. Some of Sir David Napley's own 'red herrings'

"Sibbett had been forced to leave his car near the bridge; had been taken elsewhere and later brought back to the car, when for some unexplained reason he was shot, or had already been shot and thrown into the car. There was not a shred of evidence to negative such a possibility, although it must be conceded that, perhaps of necessity, there was equally no evidence to prove it" (Line 1-6 Page 282)

"Leaving the 'E' type Jaguar outside – is there anything to disprove or establish the possibility of the car having been removed from there by others between that time and 2 a.m., when Stafford commented on the damage". (Line 33-36 page 282)

Like so much of the padding Sir David Napley is prepared to accept, it would also involve:

1. Running the risk of the 'E' type's absence being noticed Only a fixed, one hour ten minute period was available. (12.30am. Arrival, their evidence, to 1.40am...which is when the doorman Dean said he heard a 'crash'.)
2. Moving the two jaguar cars into Pesspool Lane and staging the collision there; or staging the collision at a place elsewhere with a sheet of some material under the point of collision, then taking that sheet to Pesspool Lane so as to scatter the collision debris there.In either case, remembering to include Angus Sibbets spectacles ???
3. Having a key for the 'E' type. This key would also provide a further puzzle because who else could possibly know the e type was to be used at all. The need for the 'E' type was unforeseen to Stafford and Luvaglio until they collected it that afternoon and actually used it

according to their own trial evidence.

4. On the suggestion that some unknown person took the 'E' type away, committed the crime, and then returned it, who could have known that it would be parked at the Birdcage Club. In any case, far fetched speculations of this type were soon disposed of by Lord Justice Edmund Davies and then later by five Law Lords after examination during the House of Lords appeal.

Incidentally, there was no Trial evidence whatsoever - apart from Luvaglio's account of an alleged telephone conversation with a man now dead and his then wife, (now widow) Brenda Sibbet-- that the Birdcage club was ever to be a meeting place. Brenda Sibbet was not called by Luvaglio as a witness at the Trial. Why? The Birdcage is a club that Angus Sibbet is unlikely to have ever visited but it did have the advantage that Michael Luvaglio and Dennis Stafford would not meet any of Angus's friends there or Angus's sister Sheila, who you will remember was among guests of Angus at the Dolce Vita Club and was certain to still be there, at 12.30am or later.

It is surely damning that in respect of both this claimed telephone call and also the two claimed visits to the Chelsea Grove flat, there is only the unsupported word of Stafford and Luvaglio, that they took place at all, despite really solid witnesses being available in each case !(Brenda Sibbet, Vince Landa and Brian Ginger). Why? The Jury would certainly take these curious omissions into account. Sir Napley fails to notice however. Why?

It is hard to pick out the silliest of Sir David Napley's varied and desperate efforts to find a way past the collision and timings, but Lines 22-31, Page 301 could be the winner (It refers to Stafford's confession, which was later retracted):

> *"But is it all lies? Could part of it be true? Has Stafford anyone but himself to blame in the circumstances if as I indicated in my Press statement had always crossed my mind, people began to wonder whether the true explanation is that he knew more about it than he would have had us believe? Certainly, if the death occurred almost exactly at 12 midnight, Luvaglio was with Stafford in the Club, returning home together at two o'clock, until then Luvaglio provided an alibi for Stafford. But what if, as Stafford at first in his 'Confession' suggested, he had gone out again after Luvaglio had gone to sleep? Certainly there was as much reason to believe, on the medical evidence, that the death did occur after 2 a.m. rather than before 12".*

It is silly because amongst other things, it would have entailed another tight time frame between 3 a.m. (arriving at Peterlee after leaving Chelsea Grove) and 5.15 a.m. (the first confirmed sighting of Angus Sibbet's body). In this time period Stafford would have had to:

1. come across Angus in a country lane between 3 a.m. and 5.15 a.m.;
2. Stafford as a 5'7" man manhandling a 6'2" body;
3. Driving 2 cars (his and Angus's) or having found an accomplice;
4. Never being seen leaving or returning home in Peterlee by any of the four other occupants;

5. Finally, explaining away the damage to the 'E' type which he, Luvaglio, and Mr Dean of the Birdcage Club thought had happened outside that club 20 minutes before 2 a.m. (although the debris would have had to be moved 16 miles away).

8. Angus Sibbet's Movements after Leaving the Dolce Vita

In Lines 12-42, Page 291, Sir Napley raises the question of a handwritten note left by my brother, which explains that he is meeting Michael Luvaglio at 11 o'clock. Sir Napley calls it, *"perhaps the most disturbing of all"* and *"almost sinister in its implications"*.

However, despite his argument suggesting that it damaged Stafford and Luvaglio's case by aiding the prosecution's case, in being widely known to certain people in "Fleet Street and the Temple". Interestingly that fact:-

1. Did not put off apparently, the *"many intelligent people" and "innumerable others"*, quoted by him in Lines 3-11, Page 291. Among this group of important people, Sir Napley includes Sir Ludovic Kennedy. However, it is worth noting, that the case of Stafford and Luvaglio is not one taken up in any of the large number of books on miscarriages of justice written by Sir Ludovic. Not even his latest book, '36 Murders and 2 Immoral Earnings'.
2. More importantly, it was not known to the jury, whom I suggest were the ONLY 'important people' to have a bearing on the verdict.
3. It was surely the Defence team who pressed for the note's non-admittance.
4. Inadmissible or not, it does strengthen the 'meeting Michael at 11 o'clock' statement that Angus made to me and others, plus the "Sorry, off to meet Michael" farewell that Angus gave to his sister Sheila at about 11 p.m. - which meant, Sheila pointed out, that he would miss the cabaret. Can't be helped, was his reply.

Sir Napley actually goes on to say:

> *"Two men who lived in the same house as Joyce Hall said Sibbet went there after leaving the Dolce Vita at about 11:15 p.m." (Line 39 - 40, Page288)*

I simply do not believe this to be the case. In any event, I know that no visit by Angus took place as I was there myself and have sworn to that on oath. My presence at 38 St. Edmonds Rd. negates any theory of the possible presence of Angus. Note also that I informed Vince Landa of this in the presence of his lawyer and my lawyer, who was Cecil Emmerson (now retired), formerly of Freedman, Hamilton and Emmerson, 22 John Street, Sunderland, and who in turn, has recently confirmed the facts of this meeting to yourselves at the C.C.R.C.. (The meeting was actually requested by Vince Landa). However, despite the knowledge of my presence and the parallel non-presence of Angus Sibbet at 38 St Edmund's Road, Sir Napley has chosen to ignore this and deliberately added it as a further point of confusion, or Vince Landa failed to advise or correct Sir Napley. Either way, they are pressing a lie and this only because the truth does not suit their case.

Despite the above, Sir Napley perversely says that:

"there was therefore far more reason to believe that Sibbett's note was directed to hiding his liaison with another girl by pretending that he had an appointment with Michael Luvaglio at 11 o'clock and not a 12.30 a.m., upon which basis the note was in no way corroborative of the prosecution case."

Pages 292 and 293 contain a further number of persons and organisations which have been brought in to support Sir Napley's views. As I said earlier, they were all I fear, presented with the same biased and quite distorted views that Sir Napley is promoting in his chapter plus of course the omissions.

9. Sir Napley's Treatment of Motive

"The prosecution accepted throughout that it could not suggest a motive for the crime. The judge told the jury that in English law you did not have to prove a motive to justify a conviction for murder. That was, of course, correct, but it might conceivably been pointed out that evidentially you do not go around killing people unless either you consider that you have a reason for doing so or you are stark staring mad".(Line 8-13, Page 284)

But there was as you have already seen, a very serious motive from Vince Landa's point of view. The details were of course largely known to the police and therefore to the Prosecution team. One can see from the trial that the prosecution decided on a strategy which concentrated on the unarguable collision and the unarguable location of that collision. Here again we see the weakness of Sir David Napley's position when on line 13 he introduces the emotive *"That you have a reason for doing so or you are stark raving mad".* In a search for the truth, a more profitable direction to consider motive would have been 'Who benefits?' but of course Sir David Napley does not appear to be in search of the truth at all.

"Anyone reading this account of the case for the first time must ask how anyone could possibly convict of murder on such a Crown case, short of a special jury carefully selected from the wilder inmates of a lunatic asylum". (Line 5-7 page 285)

What is the original jury to make of this or supporters of 'Trial by Jury'?

10. Sir Napley's Treatment of the 2 Car Collision

I shall now group four sections together concerning the collision between the red 'E' type and the green Mk 10 Jaguar.

"On the A182 road the police found debris and glass. This was about six-tenths of a mile from the bridge where the Mark 10 Jaguar was found. They also found there three cartridges on one side of the road and two on the other. Among the debris was some Perspex which is used for the cover of rear-lights of cars, and this debris, when fitted into the remains of Perspex of the rear-light of the 'E' type Jaguar wholly

fitted and matched, including the 'L' of the word 'Lucas' on the Perspex. This was not at that stage challenged. On the front of the 'E' type Jaguar was found green paint, and red paint was found on the front of the Mark 10. The technical experts said these paints corresponded with each other in layer structures, and the scientific witness said, 'In my opinion there is no doubt that the debris reassembled came from this 'E' type Jaguar and no other.' As stated five cartridges were found, and the experts said that three bullets had entered Sibbett's body and two had been fired at the car. It could not be refuted at the trial, or since, that the evidence established that the 'E' type Jaguar which had been in the possession of the accused until parked outside the club at 12.20am and seen again by Stafford at 2 a.m., had been in collision with the Mark 10 Jaguar in which the body had been found." (L16-34 p285)

In this first extract, I draw attention to another particularly shabby example of omissions of detail allowing a less certain judgement. Here Sir Napley, gives a list of items found at the collision scene but omits :-

1. A piece of front number plate from the Mark 10 Jaguar- cut off by the exhaust pipe of the 'E' type during the collision. This piece proved to be an exact fit when reapplied to the Mark 10 Jaguar front number plate.(Trial evidence)
2. Even more importantly, Angus Sibbet's spectacles were found at the collision scene. (Trial evidence) It is desperation indeed, to claim a collision outside the Birdcage Club, then suggest that the debris was transported to another site. But when Angus Sibbet's spectacles are added, the whole idea becomes ludicrous beyond words.

Are these omissions accidental or inexcusable? The truth here, surely, is that Stafford in trying to be clever by indicating a supposed location for the collision outside the Birdcage Club, succeeded in trapping himself. This was exposed only when the police found the real site, clearly identified by the various items of debris, days later, on a country road, where of course it might never have been found and was indeed, only found after an inspired finger tip search by police in areas they suspected were likely sites, governed by an assessment of how far the Mark 10 could have travelled with a damaged, overheating engine.

"...but however much ingenuity and thought one brought to bear, it was impossible to provide a watertight explanation of the involvement of the red 'E' type Jaguar, which had been in possession of Stafford, and in which Luvaglio never denied being driven, at a significant time." (Line16-19, Page 287)

"Press Michael Luvaglio as we might, and did, he could advance no theory which would explain away the scientific evidence. All he could do was to stand firmly on the account he had always given and was constantly reiterating without anger, bitterness or malice, that he was innocent and had never been in any way involved in Angus Sibbett's death," (Line 29-34, Page 287)

> *"The second point was that 'At the end we come back, as did members of this Court on 1968, to the extraordinary difficulty of accepting any kind of explanation which has been put forward for the damage to the 'E' type Jaguar and for the disposition of the Perspex which undoubtedly came from it" (Line 36-40, Page 298)*

I say that these four paragraphs form the essential, damning and unassailable portion of Sir David Napley's own essay on Michael Luvaglio. From his own hand they are what proves Michael Luvaglio and Dennis Stafford are lying. That they are guilty.

11. Comment

I think it is reasonable beyond all imagination to say Sir David Napley's contribution to a case for Michael Luvaglio being innocent is simply not able to withstand serious scrutiny. The hard forensic style examination by experienced judges would far more ably than I, tear it to shreds. I even find sadness in a senior lawyer being so blind that he could offer the following as a serious summing up of his position :

> *"To appreciate the grounds for belief in Luvaglio's innocence one had to get to know him and talk to him in a non-legal atmosphere." (Lines 21 - 22, Page 292)*

And

> *"My belief in Michael Luvaglio's innocence, which so many others who have talked to him share, is based on the nature and personality of the man himself. He is not and never was a 'killer'".* (Lines 21 - 23, Page 299)

Once again Sir Napley returns to Luvaglio's personality as driving his belief in Luvaglio's innocence rather more than actual evidence. Sir Napley also suggests that others would be equally swayed -- if only they had an opportunity to speak with Michael Luvaglio on a personal basis and especially in a non-legal atmosphere. This sounds very similar to blind devotion.

Sir Napley seems to have become obsessed on a personal belief basis in order to be able to:-

1. Effectively ignore the two-car collision although mentioning it four times.
2. Prefer or to raise above it a mixture of doubtful eye witness evidence and hyperbole.
3. Be in thrall to his non-scientific opinion as to the character of Michael Luvaglio i.e.that he, Sir David Napley, cannot believe that Luvaglio would tell a lie. See Page 287, lines 29-34:
   "Press Michael Luvaglio as we might and did, he could advance no theory which would explain away the scientific evidence. All he could do was to stand firmly on the account he had always given and was constantly reiterating without anger, bitterness or malice that he was innocent and had never been in any way involved in Angus Sibbet's death."

N.B. In this connection Michael had a very simple story i.e. He sat in a car in Peterlee and got out in Newcastle! He knows nothing! Nothing happened!.

With regard to others including law practitioners whom Sir Napley quotes alleging that they agreed with his own views - they ALL suffered from the same fatal disadvantage that the parameters given to them were distorted by errors and, even more importantly, omissions. The blind denial of motive being a truly criminal act of exclusion. Most opinions would surely be reversed if even the Vince Landa motive had been exposed. This coupled with the knowledge that Vince Landa was Michael Luvaglio's elder and very dominant brother.

Sir David Napley's promotion of 'No Motive' seized on only because a motive was not offered by the prosecution during the actual trial, is particularly disgraceful. One would have to be quite a serious fool not to recognise ample grounds for a motive existed, if only because Angus Sibbet could be quite openly, spending in the order of £1600, per week,according to Vince Landa in the book Most Unnatural, or 50 times per week more than Michael Luvaglio's £30 per week as given in his evidence at the trial. Michael being a 50% owner of the multi-million pound Social Club Services Ltd business whilst Angus was nobody particular? Not even a 'brave' according to Sir David Napley. Now whether one takes the scabrous view that Angus was simply stealing the money or the more logical view that Angus took as much money as he felt he was entitled to, the business, according to Landa,had a problem. When a business has a problem it naturally falls to the Managing Director to cure or remove the problem. That, cruelly, is what Vince Landa did, using Dennis Stafford and Michael Luvaglio.

12. The Sibbet Family and the Criminal Cases Review Commission

The CCRC. has interviewed me and my sister but that was at my instigation and I have a clear impression that without my intervention no interview would have taken place. None of this I am afraid gives me the sense that the CCRC's original plan of action fitted my sense of even handedness or my sense of fair play, (perhaps because of their being bound by a constitution), although I have no reason for complaint regarding the actual interview itself, or my treatment.

This booklet I have been reviewing 'The case of Michael Luvaglio,' was very hard for me to find. It took a Private Detective hired by me to find even a photostate copy. Neither my MP (Labour) are my sister's M.P. (Conservative) could help. The CCRC refused to give me a copy, quoting 'Rules of the system or their Constitution' although apparently all information that I supply such as this review, will be given to the Stafford Luvaglio side. Regrettably, it has not been possible so far, to get copies or information on any other material that Luvaglio has given to the CCRC, which has prevented any possibility of any such material being rebuffed by me. I see that as unfair to me and my family as well as being dangerous to us. I would like to see changes in the system.

Looking back over the long period of time that Stafford and Luvaglio have been trying to reverse the guilty verdict, both via procedures of law and via press, TV and recruiting of personalities, a very clear pattern can be seen i.e. An uninterrupted path of causing a 'fuss' in order to gain support for the premise that the verdict was unsafe. No time by anyone so far as I can find was spent looking for the truth.(Perhaps the C.C.R.C.?) In fact the truth, because of the system exploited by Stafford, Luvaglio and their legal advisers and supporters, has become a casualty, battered, distorted or ignored. Truth was something to get around not ever to be placed on the scales – a visual aid referred to by Sir Napley.

As a mighty exception to the serious reservations I hold for certain aspects of the system and rule of law, I shall eternally respect the Jury and the Judges and Law Lords for their entirely objective examination and judgement in all of the Appeals. Their clinical dismissal of the ludicrous possibilities offered by Stafford and Luvaglio's various defence teams allowed one to see that there were lawyers who could cut through to the unchallengeable truth and did so.

What I have tried to do above all else in this narrative, is to provide a true picture of events and the personalities involved. Although certain of Stafford and Luvaglio's involvement in Angus Sibbets murder, we do not know the exact weight or degree of that involvement. Who pulled the trigger? Who suggested it in the first place?

Again the passage of time throws up something else to puzzle over. . . . Why isn't Vince Landa by his brother's side? He has not been at his brother's side for many years. Stafford and Luvaglio no longer speak to each other.

Where does the importance of all this lie, in a search for the truth. Well, it hardly supports a picture of three major players inextricably linked by blood and friendship combining in a continued effort to right an horrendous wrong. Rather a picture of thieves, or in their case murderers, falling out.

Regretfully, when I said earlier I want to see a change in the system I suspect that the CCRC constitution will cause it to search and consider only along the same narrow path of 'Is the conviction safe according to the trial evidence'. If so, I say that is wrong. The truth that I have been offering in this document should stand a chance. Otherwise most of what I have put before you will have been a waste of time and at the expense of putting myself and more importantly my family in danger.

I am angry that I have found myself in the position of having to provide a more balanced view of doing what I feel the law should have been forced to do as an integral part of the Appeals system.

The acknowledgement that relatives are true victims with a life sentence, is gathering pace not only nationally but internationally. Our mother never had one day free of heartache for the rest of her life. I don't believe Mrs.Luvaglio would have had either. I have actually found some comfort in this area when I accidentally found an organisation called SAMM, on the Web.

Having said that, let me restate something I said in a previous letter to you.

"Neither I nor any member of my family would support for one second the holding in prison of a person who was not guilty". Who would? In the case of Michael Luvaglio and Dennis Stafford, events and personal knowledge drives us to the certainty that they are indeed guilty. If we had thought them to be innocent we would have been in the fight to get them free.

With the usual benefit of hindsight we can see that leaving it to the process of law was a mistake. However it is also true to say that we were terrified, particularly in the early years, of retribution. Even now it would be fair to say that I am concerned. Everything I have explained in this document, I also explained to the Police during their original murder investigation. I have never spoken to the media, although I did once ask Sir Ludovic Kennedy for advice as to whether I should rebut and correct some particular story.. He warned, " Speaking to the press - means whatever you say will be turned to their own idea of, 'the story'. They will then rush to the 'other side' for their response."

Finally, we can see how the law, as it stands, has no mechanism to say STOP, to people like Stafford and Luvaglio and their exploitation of 'making a fuss'. Incidentally, Scottish law takes a more robust stance, accepting only new and significant evidence. Essentially, 'making a fuss' could not have gained the history of Appeals we have seen in this case.

So, making a fuss, plus outrageous distortions - without so far as I can see, any checks on the veracity of the case put forward by Stafford and Luvaglio however false, is a weakness in the process of law and has meant 39 years of agony for my family; having allowed, after a Trial and first Appeal - yet another Appeal, then an Appeal to the House of Lords. All lost by unanimous verdict. Now we have a further investigation by the CCRC where another referral to an Appeal Court is able to be considered. Mainly using 'making a fuss' as a weapon, Stafford and Luvaglio have been able to spend 39 years searching for a technicality to escape a verdict of Guilty. Make no mistake, 'escape' is all it could ever be. These two men are guilty and I sincerely hope that by making my own belated fuss, I have been able to show even more clearly, that the original trial verdict of Guilty was correct.

The cost, in both monetary and Judicial time spent, must be enormous and completely out of proportion. At the Magistrate's Court level, and perhaps others, a decision of being a 'vexatious litigant' can be brought in I understand. Can something like this be brought in here? It should.

Do I feel let down by the process of law in England? Yes.

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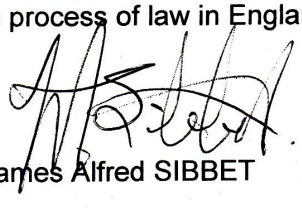

Written and signed by James Alfred SIBBET